MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 2, 2007

(Published November 10, 2007, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

November 2, 2007 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Glidden, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, President Johnson.

Absent - Council Member Remington.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 11/2/2007.

Absent - Remington.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session held October 19, 2007. Seconded.

Adopted upon a voice vote 11/2/2007.

Absent - Remington.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/2/2007.

Absent - Remington.

PETITIONS AND COMMUNICATIONS

CLAIMS:

RISK MANAGEMENT (272367)

Tort Claims Summary Report: 1st, 2nd, and 3rd quarters 2007.

COMMITTEE OF THE WHOLE (See Rep):

COORDINATOR (272368)

Community Engagement: System Improvements Work Plan - Track 3.

COMMUNITY DEVELOPMENT:

HENNEPIN COUNTY & CITY OF MPLS (272369)

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COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272370)

Land Sale (1011 E 28th St): Delores C Holmes.

1800 Plymouth Ave N Redevelopment Site: Extension of development rights to co-developers Olson Development Consultants, Inc & Mississippi Pathways Development Company, LLC.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (272371)

American Indian Neighborhood Development Corporation: Empowerment Zone (EZ) grant for predevelopment cost of space at 718-800 W Broadway.

Offender Re-entry Programming: EZ grant to The NetWork, Emerge Community Development Collaborative & 180 Degrees, Inc.

University of Minnesota Office for Business & Economic Development: EZ grant for University Center for Economic Development in North Mpls.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (272372)

Contract Compliance Unit: Update report.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (272373)

Curfew Truancy Center Services: Execute contract with The Link.

Mamas Saludables, Ninos Saludables (Healthy Mothers, Healthy Children) Program:Submit three-year grant application from Greater Twin Cities United Way for culturally appropriate public health nursing/home visiting and case management services to undocumented pregnant and parenting Latina teens; Authorize use State Local Public Health funds as matching grant funds.

Laboratory/Community Clinic Services: Execute three-year Master Contract with Hennepin Healthcare Systems; and Authorize issue Fund Availability Notices.

Controlling Asthma in American Cities Grant: Accept \$12,000 from American Lung Association for asthma management services at School Based Clinics; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (272374)

Mpls Federal Update 10/29/2007.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (272375)

Domestic Violence: Adopt Pledge to Reduce Domestic Violence, with staff directions to report back to Committee, along with annual updates.

LICENSES AND CONSUMER SERVICES (272376)

Elliot Park Grocery (1600 Chicago Av): Grant Grocery, Meat Market and Tobacco Dealer Licenses, with conditions.

Epic (110 5th St N): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions. Cedar Food and Gas (3333 Cedar Av): Revoke Grocery, Gasoline Filling Station and Tobacco Dealer's License, to be stayed until November 15, 2007 subject to conditions.

LICENSES AND CONSUMER SERVICES (272377)

Licenses: Applications.

REGULATORY SERVICES (272378)

 $Rental\,Dwelling\,License\,Board\,of\,Appeals:\,Approve\,appointment\,of\,Genevieve\,Gaboriault\,as\,tenant\,advocate.$

Rental Dwelling License at 3730 Fremont Av N: Approve reinstatement of license to be held by Marc Aymar.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (272379)

State Fugitive Apprehension Unit: Execute Interchange Agreement with Minnesota Department of Corrections to assign MPD officer to work with State during 2008 and 2009.

I-35W Bridge Detail: Execute lease agreement with ModSpace to provide trailer/home office space.

Hennepin County Drug Court: Accept grant award and execute agreement with State of Minnesota to fund a police officer for liaison services and monitoring of defendants assigned to Drug Court; and Approve appropriation.

Police Department Internal Affairs Complaint and Investigation Process: Execute agreement with Police Executive Research Forum to conduct audit; and Negotiate inclusion of an in person report by PERF personnel to PS&RS Committee.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (272380)

Central Corridor: Project update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (272381)

50th St W & France Av S Parking Facility (Ewing Lot): Adopt and levy assessments.

LynLake Municipal Parking Lot: Adopt and levy assessments; Comments.

Lowry Av N Reconstruction Project (Girard Av N to Theodore Wirth Pkwy): Designate project and receive cost estimate.

Access Minneapolis - Ten-Year Transportation Action Plan: RFP for technical engineering assistance for street design guidelines for potential future streetcar construction.

Air Rights Lease: Recommend MnDOT consider air rights application of Downtown Golf Partners, LLC for golf facility atop 7th St TAD Garage.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (272382)

Nicollet Mall Improvement, Maintenance, and Operation: Adopt and levy assessments.

LBP Mechanical, Inc: Increase contract for cast iron drain pipe repair at State Ramp A.

WAYS AND MEANS BUDGET:

CITY CLERK (272383)

October 2007 Budget Status Report.

FIRE DEPARTMENT (272384)

October 2007 Budget Status Report.

PUBLIC WORKS AND ENGINEERING (272385)

Water Works October 2007 Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (272386)

Legal Settlement: Michael Sweat.

AFSCME Council 5, Attorney Unit: Legal services contract with Felhaber Larson Fenlon and Vogt law firm.

BUSINESS INFORMATION SERVICES (BIS) (272387)

Unisys Contract: Increase contract C-18881 to implement the upgrade of the Frontlink Citizen Relationship Management (CRM) application.

CITY CLERK (272388)

Statement of Economic Interest: City positions required to file.

COMMUNICATIONS (272389)

December 2007 Utility Billing Insert: Explaining Local Use Tax.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (272390)

Ticketing Operation Services: Contract with ClicknPrint.

COORDINATOR (272391)

New Central Library: Closeout project and reallocate funds. Community Library System: Capital Improvement Bonds.

HUMAN RESOURCES (272392)

Minneapolis Public Works Engineers Association: Execute 1 year collective bargaining labor agreement.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (272393)

Appeal:

Lowry Hill History Committee (re 2863 E Lake of the Isles Pkwy): Wrecking permit application of Semple Excavating for demolition of single family home.

INSPECTIONS/BOARD OF ADJUSTMENT (272394)

Appeal:

Nicholas Stessman and Antonia Dingman (4445 Garfield Ave S): Variance for patio and stairs. PLANNING COMMISSION/DEPARTMENT (272395)

Vacation Applications:

American Spirit Graphics (public street in the vicinity of 9th Ave SE not previously vacated, north of 9th St SE and south of the railroad corridor);

La Hacienda Plaza Condominium Association (public alley right-of-way in vicinity of 334 E Lake St).

Rezoning Applications:

Station Nineteen Architects (2001 University Ave SE);

Covenire Care, LLC (371723rd Ave S).

MOTIONS (See Rep):

CITY CLERK (272396)

Draft 2008 City Council Calendar.

FILED:

POLICE DEPARTMENT (272397)

Police Community Relations Council: Mediation Compliance Unit Update.

MINNESOTA STATE OFFICES - AUDITOR (272398)

Youth Coordinating Board, Minneapolis, Management and Compliance Report, year ended 12/31/2006

YOUTH COODINATING BOARD (272399)

Annual Financial Report, year ended 12/31/2006.

The following reports were signed by Mayor Rybak on November 6, 2007, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The CLAIMS Committee submitted the following report:

Claims - Your Committee, having under consideration claims appealed from the decision of the Staff Claims Committee, now recommends:

a) That the following claims be denied:

Trevor Cherry, 3077 Oakland Forest Dr, Oakland Park, Florida

Damage to Vehicle

Amount Claimed: \$3,002.45

Victoria Johnson, 2954 Penn Ave N, Minneapolis

Property Damage

Amount Claimed: \$2,750

Zelda Marshall, 22 University Ave NE, Minneapolis

Towing

Amount Claimed: \$138

b) That the following claims be granted:

James Byron, 210 W Grant St, Minneapolis

Towing

Amount: \$148

Joseph Williams, 2709 Jersey Ave S, St. Louis Park

Towing

Amount: \$138

c) That the claim of Timothy Tessman, in the amount of \$2,321.43, for the removal of materials by a City contractor from the rear yard of his property located at 4916 34th Ave S, be granted in the amount of \$1,206.92, as recommended by the Staff Claims Committee.

Adopted 11/2/2007. Absent - Remington.

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of Whole - Your Committee, having under consideration the Community Engagement System Improvement Work Plan, now recommends the following staff directions:

- a) That in order to facilitate decision-making relative to Tracks 2 and 3 of the work plan for Community Engagement System Improvements and Related Neighborhood Revitalization Program (NRP) Decisions, the City Council hereby requests that the Council President and Vice President work with the chairs of the Ways and Means/Budget Committee and the Intergovernmental Relations Committee, as well as a Mayoral representative and the NRP Director, to frame options and proposed actions for consideration by the Committee of the Whole at its meeting of December 6, 2007, establishing a City position on:
 - 1. A proposed administrative structure to support community engagement activities;
 - 2. Expectations of services community or neighborhood organizations would provide through citizen participation contracts; and
 - 3. Extending or not a formal program of using discretionary funds for community-initiated projects. The City Council further directs that the City Coordinator continue to support this work as needed.
- b) Development Finance Staff is directed to work with CPED and other appropriate City staff to review and identify funding sources for the Neighborhood Revitalization Program (NRP) and provide this Council with a recommendation to prudently assure funding for Phase II Neighborhood Action Plans in an amount of not less than 70% of the approved April 19, 2004 NRP Policy Board allocations. Any recommendation should consider the City's interests if unanticipated changes occur to the scheduled Brookfield

repayment. Recommendations should be brought back to Ways and Means and Community Development Committees for Consideration by the City Council by December 21, 2007.

Adopted 11/2/2007.

Absent - Remington.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1011 E 28th St to Delores C. Holmes for \$3,000, and that the application of a conservation easement be waived, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-548, authorizing sale of land Disposition Parcel No VH-186 Vacant Housing Recycling Program at 1011 E 28th St, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-548 By Goodman

Authorizing sale of land Disposition Parcel No VH-186 Vacant Housing Recycling Program at 1011 E 28th Street.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel VH-186, in the Midtown Phillips neighborhood, from Delores C. Holmes, hereinafter known as the Purchaser, the Parcel VH-186, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description for VH-186; 1011 28th Street East: The rear 30 feet of Lots 1, 2 and 3, Block 2, Avery's Chicago Avenue Addition to Minneapolis. Being registered property as is evidenced by Certificate of Title No. 1142855; and

Whereas, the Purchaser has offered to pay the sum of \$3,000, for Parcel VH-186, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on October 3, 2006, the Planning Commission reviewed the land sale for consistency with the City's Comprehensive Plan and approved the sale of this parcel for sideyard as being consistent with the Comprehensive Plan; and

Whereas, the City has determined the offer of \$3,000 to purchase the Parcel to be reasonable; and Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on October 12, 2007, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on October 23, 2007, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the VH-186 is hereby estimated to be the sum of \$3,000.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City, 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Community Planning & Economic Development (CPED) Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 11/2/2007.

Absent - Remington.

 $\label{lem:comm} \textbf{Comm Dev} - \textbf{Your Committee}, having under consideration the development rights for the 1800 Plymouth Ave N redevelopment site (1800, 1806, 1810, 1810-1/2, 1812, 1822 Plymouth Ave N and 1306 Morgan Ave N), now recommends approval of the extension of development rights to co-developers Olson Development Consultants, Inc and Mississippi Pathways Development Company, LLC, through 12/31/2008.$

Adopted 11/2/2007.

Absent - Remington.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends concurrence in the Empowerment Zone Governance Board recommendation to approve a grant of \$300,000 to American Indian Neighborhood Development Corporation for the predevelopment costs of space at 718-800 W Broadway.

Adopted 11/2/2007.

Absent - Remington.

Comm Dev & W&M/Budget - Your Committee recommends concurrence in the Empowerment Zone Governance Board recommendation to approve grants of \$125,000 to The NetWork; \$125,000 to Emerge Community Development Collaborative; and \$155,374 to 180 Degrees, Inc, for offender re-entry programming in Minneapolis.

Adopted 11/2/2007.

Absent - Remington.

Comm Dev & W&M/Budget - Your Committee recommends approval of the Empowerment Zone Governance Board Executive Committee recommendation that the proper City officers be authorized to execute a contract with the University of Minnesota Office for Business and Economic Development in the amount of \$300,000, to establish the University Center for Economic Development in North

Minneapolis, setting forth the terms and conditions of administering federal Empowerment Zone funds (payable from 0300-890-8942).

Adopted 11/2/2007.

Absent - Remington.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E - Your Committee, to whom was referred back on October 19, 2007 a report relating to the Mayoral appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities, now recommends that the following applicants be sent forward without recommendation:

Appointments

Rachel Dykoski, Ward 6, to fill the unexpired term of Jimmie Hanson to expire December 31, 2007; and a new two-year term to expire December 31, 2009

Amanda Tempel, Ward 1, to fill the unexpired term of Jason Jenkins to expire December 31, 2007, and a new two-year term to expire December 31, 2009.

Reappointments, for two-year terms to expire December 31, 2008

Dorothy Balen, Ward 10

Kenneth Brown, Ward 12

Martha Hage, Ward 7

Jim Ramnaraine, Ward 11

Keith Swanson, Ward 13

Joan Willshire, Ward 7.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote 11/2/2007.

Absent - Remington.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with The Link, in an amount not to exceed \$220,000 annually, to provide Curfew Truancy Services during the period January 1, 2008 through December 31, 2010.

Adopted 11/2/2007.

Absent - Remington.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a three-year grant application to the Greater Twin Cities United Way seeking \$367,500 for the Mamas Saludables, Ninos Saludables (Healthy Mothers, Healthy Children) Program to provide culturally appropriate public health nursing/home visiting and case management services to undocumented pregnant and parenting Latina teens who are without continuity of health care or health care coverage. Further, to authorize the use of up to \$52,500 annually from State Local Public Health funds as a match

Adopted 11/2/2007.

Absent - Remington.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a three year Master Contract with Hennepin Healthcare Systems, Inc, a non-profit subsidiary of Hennepin County, in an amount not to exceed \$300,000, to provide laboratory services for the City, and community clinic services to low income and at risk families in South Minneapolis. Further, authorization to issue Fund Availability Notices as project funds become available.

Adopted 11/2/2007.

Absent - Remington.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$12,000 from the American Lung Association, as part of its Controlling Asthma in American Cities Grant, for asthma management services at School Based Clinics during the 2007/2008 school year. Further, passage of the accompanying resolution appropriating \$12,000 to the Department of Health & Family Support.

Adopted 11/2/2007. Absent - Remington.

RESOLUTION 2007R-549

By Benson and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8622) by \$12,000 and increasing the Revenue Source (060-860-8622 - Source 3720) by \$12,000.

Adopted 11/2/2007.

Absent - Remington.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee recommends that the City's Fiscal Year 2008 Federal Legislative Agenda, adopted February 23, 2007, be amended to include support for a fully inclusive Employee Non-Discrimination Act, including protections for gender identity.

Your Committee further recommends passage of the accompanying resolution supporting a fully inclusive Employee Non-Discrimination Act.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-550, supporting a fully inclusive Employment Non-Discrimination Act, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-550

By Glidden, Gordon, Ostrow, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Remington, Benson, Colvin Roy and Hodges

Supporting a Fully Inclusive Employment Non-Discrimination Act (ENDA).

Whereas, on April 24, 2007, Representatives Barney Frank, Chris Shays, Tammy Baldwin, and Deborah Pryce introduced H.R. 2015 supporting the Employment Non-Discrimination Act (ENDA), which included gender identity as a protected class; and

Whereas, on September 27, 2007, Representative Frank introduced H.R. 3685, passed by the Education and Labor Committee on October 18, which was a version of ENDA that does *not* include gender identity as a class within its scope; and

Whereas, the City of Minneapolis played an historic role in the struggle for equal rights by passing the first civil rights protections for transgender people anywhere in the United States 32 years ago; and

Whereas, the City of Minneapolis was the second city in the United States to pass nondiscrimination protections for gay, lesbian and bisexual people; and

Whereas, three hundred and sixty-three GLBTIQ organizations across the Country have called for a fully inclusive ENDA; and

Whereas, the City of Minneapolis deeply believes in equality for all persons regardless of race, age, gender, sexual orientation, disability status, values our transgender employees, residents and visitors and believes they deserve the same protections against discrimination afforded to all other citizens;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports a fully inclusive Employee Non-Discrimination Act, including gender identity protections.

Be It Further Resolved that the City of Minneapolis calls on Congress to follow Minneapolis' decades of leadership by including gender identity as one of the classes protected against job discrimination.

Adopted 11/2/2007.

Absent - Remington.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1242 Hennepin Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2008, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/2/2007.

Absent - Remington.

Approved by Mayor Rybak 11/5/2007.

(Published 11/6/2007)

PS&RS - Your Committee, to whom was referred back on October 5, 2007 and October 19, 2007 a report relating to the application of La Que Buena, Inc, dba La Que Buena, 1609 E Lake St, for an On-Sale Wine Class E with Strong Beer License (indoor expansion of premises/sidewalk cafe expansion) and a Sidewalk Cafe License, now recommends that the application for an expansion of the indoor premises be granted to expire April 1, 2008, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Elliot Park Grocery, 1600 Chicago Av, for Grocery, Meat Market and Tobacco Dealer Licenses, subject to conditions.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-551, granting the application of Elliot Park Grocery, 1600 Chicago Av, for Grocery, Meat Market and Tobacco Dealer Licenses, subject to conditions, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-551 By Samuels

Granting the application of Elliot Park Grocery, 1600 Chicago Av, for Grocery, Meat Market and Tobacco Dealer Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by McKnight Market Property LLC, dba Elliot Park Grocery, 1600 Chicago Av, for Grocery, Meat Market and Tobacco Dealer Licenses (new proprietor) to expire April 1, 2008, subject to the following conditions:

- 1. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), single cigars sometimes referred to as blunts, non-soap imbedded scrubbers, commonly known as Brillo Pads or Chore Boys, and small zip lock bags, also known as jewelry bags. The business also agrees not to supply matches to non-tobacco customers.
- 2. All windows will be free of signs and other items that block the view in and out, and signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, per Section 543.350 of the Minneapolis Code of Ordinances.
- 3. The licensee shall comply with Section 259.230 of the Minneapolis Code of Ordinances governing surveillance cameras, which states that all new business applicants for grocery stores and tobacco dealers must immediately install surveillance cameras.
- 4. The owner will provide formal training to all staff on how to avoid sales of tobacco products to minors.
 - 5. final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Epic, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 11/2/2007. Yeas, 10; Nays, 2 as follows:

Yeas - Glidden, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Rov.

Nays - Goodman, Johnson.

Absent - Remington.

Resolution 2007R-552, granting the application of Epic, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-552 By Samuels

Granting the application of Epic, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Epic Entertainment LLC, dba Epic, 110 5th St N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2008,

subject to the following conditions:

- 1. The establishment may not operate as a sexually oriented use as is defined in Section 549.340 of the Minneapolis Code of Ordinances.
- 2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities.
- 3. Violation of conditions #1 and #2 shall provide a basis for revocation of the City's consent for the applicant to operate the Class A Liquor License.
- 4. All parties hereto agree that this agreement is specifically enforceable and that in any litigation involving this agreement, no defense will be raised as to its enforceability.
- 5. No "18 plus" or "all ages" event shall be provided in the establishment unless the applicant notified the local police precinct in writing upon the booking of the event or at least 24 hours prior to the event, whichever is sooner, if the event is in addition to the schedule adopted by Epic and on file with the local police precinct. For purposes of this agreement, an "18 plus/all ages" event shall be defined as an event that is advertised as an 18 plus/all ages event that offers live entertainment or a DJ in a nightclub type setting.
- 6. The licensee will collect all litter within 100 feet of the exterior of the building housing the licensed premises on a daily basis.
- 7. Noise from the establishment will be kept to a minimum by taking appropriate measures as required in Section 360.55 of the Minneapolis Code of Ordinances. Noise coming from patrons of the establishment will be managed consistent with the requirements of Chapter 389 of the Minneapolis Code of Ordinances.
 - 8. The business agrees not to install pay phones either inside or outside the establishment.
- 9. Follow all laws and rules of the City of Minneapolis and the State of Minnesota relating to operating an establishment with an on sale beverage alcohol license.
- 10. During any 18 plus/all ages event, an Alcoblow/intoxilyzer shall be employed on all patrols entering the establishment who in the reasonable judgment of the on site management/staff of Epic appear to be under the influence of an alcoholic beverage. Any patron under the age of 21 with any detectable presence of alcohol in their system shall be refused admittance into the establishment. As part of all 18 plus/all ages events, those under the age of 21 shall be separated by means of physical barrier, wall separation, use of separate floor(s) in the space, etc. so as to not allow the purchasing, possession or consumption of beverage alcohol by those patrons under the age of 21.
- 11. During any 18 plus/all ages event, an identification card reader shall be available and shall be employed to verify, along with visual inspection of the identification, the age of each patron, if in the reasonable judgment of the on site management/staff of Epic the individual is not personally known to be 21 years of age, or there is reasonable suspicion that the identification presented is inadequate to establish the age of the patron, the patron will be refused admittance into the establishment.
- 12. A Youth Alcohol Prevention Plan will be submitted by November 1, 2007 or at the time of the signing of this agreement, whichever is later. The Plan will entail the measures the establishment will take to ensure under age patrons are not served beverage alcohol (i.e. secret shoppers, monthly staff meeting discussing carding policy, define the policy).
- 13. The applicant or designated representative shall regularly attend the Downtown Entertainment District Security Meetings (Bar Watch) and maintain current e-mail contacts with Travis Glampe of the First Police Precinct, or another designated contact.
- 14. Employees of the applicant shall receive alcohol server training from an approved provider at a minimum on a yearly basis. All new employees shall attend a server training prior to serving beverage alcohol.
- 15. All persons seeking to gain entrance to the establishment after 10:00 p.m. shall be required to present legitimate identification as a condition of entrance, except during private events that are not open to the public.
- 16. The applicant shall compile, maintain and share a "do not admit" list and video surveillance system recordings with the local Precinct or any other official of the City of Minneapolis upon request to prevent reoccurrence of disturbances by known persons.

- 17. When in use, any VIP area within the establishment will be staffed at all times with at least one employee of the licensee who has received alcohol server training.
- 18. All I.D.s confiscated due to improper use by the patron or because the I.D. is counterfeit or otherwise invalid or defective will be turned over to the First Police Precinct within 24 hours.
- 19. No VIP wristbands or any other privileges which would permit or allow the consumption of alcoholic beverages will be extended to any person without first verifying legal age to consume alcoholic beverages.
- 20. Epic at all times will keep an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis. Epic shall not let more patrons into the establishment than is legally allowed.
- 21. Metal detectors shall be used at the door as deemed appropriate by Epic on site management/staff.
- 22. The applicant will schedule and maintain adequate security beyond closing time to assist in effective dispersal of venue associated crowds from the sidewalk in front of the licensed premises.
- 23. The applicant further agrees not to permit employees to distribute handbills, flyers, or business advertising cards to the public, or hire others in the business of distributing handbills, flyers or business advertising cards, in or on any publicly owned street or sidewalk in the City of Minneapolis. An independent promoter or lessee of Epic, or any portion thereof, is not an "employee" or "hire" of Epic for the purposes of this requirement.
 - 24. final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 11/2/2007. Yeas, 10; Nays, 2 as follows:
- Yeas Glidden, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy.

Nays - Goodman, Johnson.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-553, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-553 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2008

Noras Calhoun Inc, dba Tryg's, 3118 W Lake St (upgrade of license; new manager; new shareholder/partner)

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2008

Mangia Nicklow & Friends LLC, dba Down Time, 1501 University Av SE (new manager; internal transfer of shares)

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2008

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St (upgrade from Wine Class E with Strong Beer)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2008

Lotus Restaurant Inc, dba Lotus Restaurant Uptown, 3037 Hennepin Av (new shareholder/partner; new corporate officer)

Off-Sale Beer, to expire April 1, 2008

Brazilian Inc, dba 4th Street Market, 805 4th St SE (new business)

La Cosecha Inc, dba La Cosecha, 1515 E Lake St (new business).

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-554, granting applications for Business Licenses, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-554 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 2, 2007 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 272377):

Place of Amusement Class B-2; Bowling Alley; Bowling, Pool & Billiard All Night Special; Christmas Tree; Dancing School; Fire Extinguisher Servicing Class A; All Night Special Food; Milk & Grocery Delivery Vehicle; Food Distributor; Restaurant; Food Shelf; Sidewalk Cafe; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class C; Parking Lot Commercial Class A; Secondhand Goods Class B; Antique Dealer Class B; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Theater Zone I; Valet Parking.

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Samuels moved that the Resolution be amended by removing the following license applications, to be referred back to the Public Safety & Regulatory Services Committee:

Roosevelt Booster Club, dba Roosevelt Booster Club, 5412 43rd Av S (Site: Westrums, 4415 Nicollet Av)

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Johnny A's 200 Sports Bar, 200 Broadway). Seconded.

Adopted upon a voice vote.

The report, with amended resolution, was adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-555, granting applications for Gambling Licenses, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-555 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Roosevelt Booster Club, dba Roosevelt Booster Club, 5412 43rd Av S (Site: Cedar Inn, 4155 Cedar Av S)

Roosevelt Booster Club, dba Roosevelt Booster Club, 5412 43rd Av S (Site: Schooner Tavern, 2901 27th Av S)

Roosevelt Booster Club, dba Roosevelt Booster Club, 5412 43rd Av S (Site: Sunrise Inn, 4563 34th Av S)

Roosevelt Booster Club, dba Roosevelt Booster Club, 5412 43rd Av S (Site: The Corner Bar, 1501 Washington Av S)

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 5412 43rd Av S(Site: Halek's Bar, 2024 Washington Av N)

Multiple Sclerosis Society, Minnesota Chapter, dba Multiple Sclerosis Society, Minnesota Chapter, 200 12th Av S (Site: Grandma's Saloon & Grill, 1810 Washington Av)

Multiple Sclerosis Society, Minnesota Chapter, dba Multiple Sclerosis Society, Minnesota Chapter, 200 12th Av S (Site: Stasius Bar, 2500 University Av NE)

Air Force Association General E W Rawlings Chapter, dba Air Force Chapter General E W Rawlings Chapter, 6050 5th Av S (Site: Rail Station Bar & Grill, 3675 Minnehaha Av)

Gambling Lawful Exempt

NSMMBA Minneapolis St. Paul Chapter, dba NSMMBA Minneapolis St. Paul Chapter, 1303 Walnut Hill Ln, Irving, TX (Raffle November 3, 2007 at University of Minnesota Coffman Memorial Union) Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo and Raffle November 10, 2007 at Incarnation Church Basement, 3801 Pleasant Av S)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 2, 2007)

Goldbricks Club, dba Goldbricks Club, 1828 4th St NE (Raffle December 9, 2007 at Neighborhood Building, 1700 2nd)

North Memorial Medical Center, dba North Memorial Medical Center, 3300 Oakdale Av N (Raffle April 26, 2008 at Hilton Minneapolis, 1001 Marquette Av)

Hopes Hope, dba Hopes Hope, 1053 Sunset Meadows Dr, Apex, NC (Raffle November 16, 2007 at Trocaderos Restaurant & Nightclub, 107 3rd Av N)

Ducks Unlimited, Downtown, dba Ducks Unlimited, Downtown, 60 S 6th St (Raffle November 29, 2007 at Nicollet Island Pavilion, 40 Power St)

Human Resource Professionals of Minnesota, dba Human Resource Professionals of Minnesota, 1711 W County Rd B, Roseville (Raffle December 12, 2007 at Womans Club of Minneapolis, 410 Oak Grove St).

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by First Avenue, 29 7th St N.

Adopted 11/2/2007. Yeas, 11; Nays, 1 as follows:

Yeas - Glidden, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Johnson.

Nays - Goodman.

Absent - Remington.

Resolution 2007R-556, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by First Avenue, 29 7th St N, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-556 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by First Avenue, 29 7th St N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 29, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee operated the licensed establishment outside of its legal hours of operation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

- 1. That First Avenue pay a fine of \$500, payable upon the date of the signing of the agreement, to help pay, in part, for administrative costs associated with this agreement.
- 2. That First Avenue pay \$1,540, payable upon the date of the signing of this agreement, to pay for the police costs associated with the event held for Prince on July 7, 2007.
- 3. That First Avenue refrain from operating past its legal hours of operation or 2:30 a.m., whichever is earlier.

Adopted 11/2/2007. Yeas, 11; Nays, 1 as follows:

Yeas - Glidden, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Johnson.

Nays - Goodman.

Absent - Remington.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cub Foods, 2850 E 26th St.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-557, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cub Foods, 2850 E 26th St, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-557 By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cub Foods, 2850 E 26th St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 20, 2007 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions within in a period of less than 24 months, employees of Cub Foods sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. A \$3,000 sanction for failing two alcohol compliance checks is imposed; \$1,000 of the sanction shall be stayed, pending no further alcohol compliance check failures.
- 2. Cub Foods agrees to make training their employees a priority. Cub Foods will update their employee handbook to include the Minnesota Statute that lists the sale of alcohol to minors a gross misdemeanor.
 - 3. The Cub Foods store manager shall attend an alcohol server training program.
- 4. Cub Foods agrees to conduct their own alcohol compliance checks of their employees. This may include a check of their computer records showing the birth dates being entered by the employee.
- 5. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Cub Foods.
- 6. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances or regulations.
- 7. This agreement shall remain in effect through and including August 20, 2009. It is understood between the parties that this agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved. Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee, having under consideration the license renewal application submitted by Cedar Food and Gas, 3333 Cedar Av, for Grocery, Gasoline Filling Station and Tobacco Dealer's Licenses, and the Committee having held a license hearing to determine whether the licensee complied with all license operating conditions, now recommends that said licenses held by Cedar Food and Gas be revoked, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and hereby made a part of this report by reference. Further, that the license revocation be stayed until November 15, 2007 upon the condition that the licensee fully abate and comply with the agreed upon license conditions relating to the installation of permanent fencing and landscaping requirements in accordance with the site plan; and payment of a cost recovery fine in the amount of \$1,000.

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee recommends concurrence with the recommendation of the City Council to approve the appointment of Genevieve E. Gaboriault to the Rental Dwelling License Board of Appeals,

as a tenant advocate, to fill the unexpired term of Fathia Warsame to expire December 31, 2007. Adopted 11/2/2007.

Absent - Remington.

PS&RS-Your Committee, having under consideration the Rental Dwelling License for the property located at 3730 Fremont Av N, and having received an acceptable management plan for the property; verification that the property is in compliance with rental licensing standards; and that all housing maintenance violations have been corrected, with the except of ground cover which will be completed by May 15, 2008, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Marc Aymar.

Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee, having received a report on Domestic Violence, now recommends the following:

- a. That the report be received and filed.
- b. That the City of Minneapolis' Pledge to Reduce Domestic Violence be adopted, as set forth in Petn No 272375 on file in the Office of the City Clerk. Further, that staff from the Police Department and City Attorney's Office be directed to report back to the Public Safety & Regulatory Services Committee at its November 28, 2007 meeting with specific measures and goals, and a review of possible financial and budget implications of the elements in the pledge.
 - c. That staff be further directed to provide annual updates to the City Council. Adopted 11/2/2007.

Absent - Remington.

PS&RS - Your Committee, having under consideration the payment of jail fees to Hennepin County for the housing of prisoners accused of, charged with, or convicted of crimes committed within the City of Minneapolis, now recommends that the Audit Committee of the Board of Estimate & Taxation be requested to update its 1993 internal audit report entitled "Hennepin County Jail and Workhouse - A Review of Procedures and Controls Associated with Billings to the City of Minneapolis".

Adopted 11/2/2007.

Absent - Remington.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an Interchange Agreement with the Minnesota Department of Corrections to allow a Minneapolis police officer to work with the State Fugitives Apprehension Unit during the period January 1, 2008 through December 31, 2009. Further, that the police officer shall remain an employee of the Police Department.

Adopted 11/2/2007.

Absent - Remington.

PS&RS&W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a lease agreement with ModSpace to provide a triple-wide, pre-constructed/trailer home office space for use during the Police Department I-35W Bridge detail. Further, that the Police Department shall seek reimbursement from state or federal sources to fund the lease agreement.

Adopted 11/2/2007.

Absent - Remington.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a two-year grant award of \$66,536 and execute an agreement with the State of Minnesota, acting through its agent the Fourth Judicial District Administrator's Office and its Hennepin County Drug

Court, to fund a police officer, on an overtime basis, to provide liaison services and monitoring of defendants assigned to Drug Court. Further passage of the accompanying resolution appropriating \$66,536 to the Police Department.

Adopted 11/2/2007.

Absent - Remington.

RESOLUTION 2007R-558 By Samuels and Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$66,536 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$66,536.

Adopted 11/2/2007.

Absent - Remington.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Police Executive Research Forum (PERF), in the amount of \$56,673, to conduct an audit of the Police Department's Internal Affairs complaint and investigation process. Further, that the Police Department be authorized to negotiate the inclusion of an in person report by PERF personnel to the Public Safety & Regulatory Services Committee upon conclusion of the final written report.

Adopted 11/2/2007.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the 50th St W and France Av S Parking Facility, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments in the total amount of \$33,911.95, levying the special assessments, and adopting the assessment roll for the 2006 operation and maintenance of the 50th St W and France Av S Parking Facility.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-559, adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2006 operation and maintenance of the 50th St W and France Av S Parking Facility, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-559 By Colvin Roy

Adopting the special assessments, levying the special assessments and adopting the assessment roll for the 2006 operation and maintenance of the 50th St W and France Av S Parking Facility.

Whereas, the total amount of the proposed special assessments is \$33,911.95 and consists of 2006 operation and maintenance costs through December 31, 2006; and

Whereas, a public hearing was held on October 23, 2007 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the operation and maintenance, to consider the proposed special assessments as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments in the total amount of \$33,911.95, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2008 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/2/2007.

Absent - Remington.

T&PW - Your Committee, having under consideration the Lyn/Lake Municipal Parking Facilities, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments in the total amount of \$63,245.47, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-560, adopting the special assessments for payable 2008, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-560 By Colvin Roy

Adopting the special assessments for payable 2008, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2008 to be \$63,245.47, all as contained in Petn No 272381 on file in the office of the City Clerk; and

Whereas, a public hearing was held on October 23, 2007 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the proposed special assessments for payable 2008, as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for payable 2008 in the total amount of \$63,245.47, as on file in the office of the City Clerk, be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2008 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/2/2007.

Absent - Remington.

T&PW - Your Committee recommends passage of the accompanying resolution designating the location and streets to be improved in the Lowry Av N Phase II (Girard Av N to Theodore Wirth Parkway) Reconstruction Project, Special Improvement of Existing Street No 2266.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-561, designating the improvement of Lowry Ave N from Girard Ave N To Theodore Wirth Pkwy, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-561 By Colvin Roy

LOWRY AVENUE NORTH PHASE II (GIRARD AV N TO THEODORE WIRTH PARKWAY) RECONSTRUCTION PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2266

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by street paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving-related improvements as needed:

Lowry Av N from Girard Av N to Theodore Wirth Parkway.

Adopted 11/2/2007.

Absent - Remington.

T&PW-Your Committee, having received a cost estimate of \$8,917,653, of which the City's portion will be the amount of special assessments to be levied for street construction improvements, and a list of benefited properties for the Lowry Av N Phase II (Girard Av N to Theodore Wirth Parkway) Reconstruction Project, Special Improvement of Existing Street No 2266, as designated by Resolution 2007R-561 passed November 2, 2007, now recommends that the City Engineer be directed to prepare proposed assessments against the list of benefited properties.

Your Committee further recommends that a public hearing be held on December 11, 2007, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the above-designated street reconstruction

project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 11/2/2007.

Absent - Remington.

T&PW - Your Committee, having under consideration the Access Minneapolis - Ten-Year Transportation Action Plan, now recommends that the proper City officers be authorized to prepare and, if necessary, issue a Request for Proposals (RFP) for technical engineering assistance to address street design issues and develop street design guidelines to accommodate potential future streetcar construction along existing streets that are being reconstructed or rehabilitated.

Adopted 11/2/2007.

Absent - Remington.

T&PW - Your Committee recommends passage of the accompanying resolution recommending that the Minnesota Department of Transportation (MnDOT) give full consideration to the application of Downtown Golf Partners, LLC to obtain an air rights lease for an indoor golf facility atop the 7th Street Third Avenue Distributor (TAD) Garage.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-562, recommending the Minnesota Department of Transportation (MnDOT) give full consideration to the application of Downtown Golf Partners, LLC to obtain an air rights lease for an indoor golf facility project atop the 7th Street Third Avenue Distributor (TAD) Garage, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-562 By Colvin Roy

Recommending the Minnesota Department of Transportation (MnDOT) give full consideration to the application of Downtown Golf Partners, LLC to obtain an air rights lease for an indoor golf facility project, formerly called St. Andrew's Golf Academy (SAGA), now called "Downtown Golf", atop the 7th Street Third Avenue Distributor (TAD) Garage.

Whereas, the City of Minneapolis considered a proposal for development of an indoor golf facility in downtown Minneapolis from St. Andrew's Golf Academy in 1999 (now called "Downtown Golf"); and

Whereas, the Minneapolis City Council passed and approved Resolution 99R-269 on July 30, 1999, authorizing the proper City officers to proceed with project feasibility and finding that such project is supported for location atop the 7th Street Third Avenue Distributor (TAD) Garage; and

Whereas, the project as preliminarily proposed in 1999 was found to be feasible but MnDOT was not prepared to proceed at that time due to lack of a department policy regarding air rights development; and

Whereas, MnDOT has recently established an air rights development policy (A Guide to MnDOT National Highway System Airspace Lease Policy and Procedures of July 24, 2006) (Policy); and

Whereas, Downtown Golf Partners, LLC now desires to submit its air rights development proposal to MnDOT under its recently established Policy;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Downtown Golf initiative for the development of a complete indoor golf facility atop the 7th Street TAD Garage in downtown Minneapolis would be a welcome addition to the mix of downtown Minneapolis entertainment amenities available to residents, visitors, and workers.

Be It Further Resolved that the Downtown Golf Project would be consistent with the goal of marketing downtown as a place to live, work, play and do business through the strengthening of downtown retail and leisure sectors (including entertainment, recreational, and cultural uses).

Be It Further Resolved that the Downtown Golf Project atop the 7th Street TAD Garage is immediately adjacent to the Entertainment District as designated in the Minneapolis Downtown 2010 Plan and that the Downtown Golf Project would further Entertainment Policy #4 of said Plan which is to broaden downtown's entertainment options.

Be It Further Resolved that, for the public purposes stated above, the City of Minneapolis recommends that MnDOT give full consideration to the application of Downtown Golf Partners, LLC to obtain an air rights lease above the 7th Street TAD Garage for private development, specifically the Downtown Golf Project.

Adopted 11/2/2007.

Absent - Remington.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Mall improvement, maintenance and operation assessments for payable 2008 and all written and oral objections and statements regarding the assessments, now recommends that the proposed assessments in the amount of \$1,172,705.89 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 272382) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/2/2007.

Absent - Remington.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase Contract No 24842 (OP 6823) with LBP Mechanical, Inc., by \$23,611.19, for a revised estimated expenditure of \$134,611.19, for cast iron drain pipe repair at State Ramp A. No additional appropriation required.

Adopted 11/2/2007.

Absent - Remington.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Ostrow moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration the Interest Arbitration involving the AFSCME Council 5, Attorney Unit and the City of Minneapolis, now recommends authorizing proper City officers to enter into a legal services contract with Felhaber Larson Fenlon and Vogt to represent the City.

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881 by \$62,650.40 for an increase in scope to implement and provide maintenance for the Frontlink Citizen Relationship Management (CRM) application.

Your Committee further recommends passage of the accompanying resolution appropriating \$12,402 to Business Information Services Agency.

Adopted 11/2/2007.

Absent - Remington.

RESOLUTION 2007R-563 By Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Business Information Services Agency in the Info Tech - Internal Service Fund (6400-880-8870 880F7268) by \$12,402 and increasing the Revenue Source (6400-880-8870 - Source 3455) by \$12,402. Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration the list of City positions required to file Statement of Economic Interest (SEI), now recommends approval of said list as outlined in the staff report (Petn No 272388).

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee recommends approval of a December 2007 utility billing insert on behalf of the Finance Department explaining Local Use Tax.

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with ClicknPrint; effective January 2008, for providing ticketing operation services at the Minneapolis Convention Center, for an initial two year performance period with three one-year renewal options, for an estimated annual cost of \$150,000 in 2008. Payable from Convention Center funds (0760-MCC).

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 1-year labor agreement with the Minneapolis Public Works Engineers Association, effective January 1, 2007 through December 31, 2007.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-564, approving the terms of a 1-year labor agreement with the Minneapolis Public Works Engineers Association, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-564 By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Public Works Engineers Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Public Works Engineers Association (Petn No 272392), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration the closeout of the New Central Library Project, now recommends the following:

- a) Passage of the accompanying resolutions transferring remaining monies to accommodate 2008 expenses to run the unified library system.
- b) Transfer rights of the City of Minneapolis to Hennepin County to request reimbursement from the state planetarium grant, referenced in Laws 2000, Chapter 492, Article 1, Section 5, subd 10.
- c) Transfer rights of remaining donations from private parties for use of operating the unified library system.
 - d) Require any outstanding capital expenditures to be paid from Library operating budget. Adopted 11/2/2007.

Absent - Remington.

RESOLUTION 2007R-565 By Ostrow

Amending The 2007 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the remaining appropriation in the Library Capital Agency (4400-908-9081-CENTL) by \$3,387,881.05 to formally close out the New Central Library project.

Adopted 11/2/2007.

Absent - Remington.

RESOLUTION 2007R-566 By Ostrow

Amending The 2007 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the Library operating budget appropriation and by appropriating the various expense and revenue transfers indicated below as part of closing out the New Central Library project.

- a) Increasing the appropriation for the Library Operating Agency in the Library General Fund (1800-580-5852) by \$1,447,184.48 to be funded by a transfer from the close out of the New Central Library project.
- b) Appropriating a transfer from the Library Capital Fund (4400–127–1270–9018) to the Library General Fund (1800-127-1270-3844) by \$1,447,184.48.
- c) Appropriating a transfer from the Library Capital Fund (4400–127–1270–9073) to the City's Stormwater Fund (7300-127-1270-3844) by \$300,000.
- d) Appropriating a transfer from the Library Capital Fund (4400–127–1270–9010) to the City's General Fund (0100-127-1270-3844) by \$1,401,766.

Adopted 11/2/2007.

Absent - Remington.

W&M/Budget - Your Committee, having under consideration the Community Library System, and subject to the City Council approval of the financial transactional agreement related to the library merger, now recommends authorizing the issuance of the remaining Community Library Referendum Bonds and Net Debt Bonds as prescribed in the five-year capital improvement plan for the Community Library System.

Your Committee further recommends passage of the accompanying resolutions requesting the Board of Estimate and Taxation to issue and sell the following bonds:

- a) Community Library Referendum Bonds in the amount of \$11,213,335; and
- b) Net Debt Bonds in the amount of \$5,610,000.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-567, requesting the Board of Estimate and Taxation to issue and sell Referendum Bonds, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-567 By Ostrow

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis Library referendum bonds in the amount of \$11,213,335 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis Library referendum bonds per the referendum passed November of 2000 in the amount of \$11,213,335, the proceeds of which are to be used for capital improvements to community libraries as follows:

Roosevelt	\$2,660,000
Webber Park	\$1,504,000
Southeast	\$1,200,000
Northeast	\$2,675,335
Nokomis	\$3,054,000
Hosmer	\$60,000
Washburn	\$60,000

Adopted 11/2/2007. Absent - Remington.

Resolution 2007R-568, requesting the Board of Estimate and Taxation to issue and sell Net Debt Bonds, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-568 By Ostrow

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis Library bonds in the amount of \$5,610,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$5,610,000, the proceeds of which are to be used for capital improvements to community libraries as follows:

 Roosevelt
 \$540,000

 Webber Park
 \$500,000

 Southeast
 \$2,000,000

 Nokomis
 \$1,190,000

 Hosmer
 \$440,000

 Walker
 \$500,000

 Washburn
 \$440,000

Adopted 11/2/2007. Absent - Remington.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Nicholas Stessman and Antonia Dingman from the decision of the Board of Adjustment which denied their application for a variance to reduce the required front yard setback to allow for a 212 square foot patio and 8 foot wide front stairs, at 4445 Garfield Ave S, now recommends that said appeal be granted, and the application approved.

Adopted 11/2/2007.

Absent - Remington.

- **Z&P** Your Committee, having under consideration the appeal filed by the Lowry Hill History Committee from the decision of the Heritage Preservation Commission approving an application for a wrecking permit filed by Semple Excavating to allow for demolition of a single-family home at 2863 E Lake of the Isles Pkwy, subject to conditions that:
- a) The proposed new construction must meet City Code requirements for new construction in the R1A and Shoreland Overlay Zoning Districts regarding height, massing, set backs, and preservation of neighborhood character;
- b) Demolition of the existing structure(s) at 2863 E Lake of the Isles Pkwy will not proceed until all land use approvals are secured;
- c) Demolition of the existing structure at 2863 E Lake of the Isles Pkwy will not proceed until all land use approvals are secured for adjacent property/properties. Land use proposals for additions and alterations to the neighboring property will be presented to the HPC for an informational presentation so that commissioners can provide advice relating to changes proposed for the neighboring structure which is contributing to the potential district;
- d) Demolition and land use approvals for adjacent property is not approved herein and must be applied for under separate cover; and
 - e) Require mitigation plans to follow SHPO guidelines;

now recommends that said appeal be granted and the application for the wrecking permit be denied.

Your Committee further recommends that staff be directed to commence an historic designation study pursuant to MCO 599.480.

Adopted 11/2/2007.

Absent - Remington.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of American Spirit Graphics (#1528) to vacate all that portion of 9th Ave SE not previously vacated, (vicinity of north of 9th St SE, and south of the railroad corridor), subject to retention of easement rights by Center Point Energy, for a parking lot and snow storage area, and that the related findings prepared by the Department of Community Planning & Economic Development be adopted.

Your Committee further recommends passage of the accompanying resolution vacating said portion of 9th Ave SE.

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-569, to vacate all that portion of 9th Ave SE not previously vacated (vicinity of north of 9th St SE, and south of the railroad corridor), was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2007R-569 By Schiff

Vacating that portion of 9th Avenue Southeast not previously vacated (Vacation File No. 1528).

Resolved by The City Council of The City of Minneapolis:

All of 9th Avenue Southeast not previously vacated, as platted between Block 7 and Block 8, Andrews and Moulton's Addition to Minneapolis, located north of a line extended southeast from the south line of Lot 5, Block 8, said Addition, and south of the Burlington Northern & Santa Fe Railroad. All according to the plat of record and previous right of way vacations on file at the Hennepin County Recorders office, Minneapolis Minnesota, is hereby vacated except that such vacation shall not affect the existing authority of Center Point Energy, their successors and assigns, to enter upon that portion of the aforedescribed alley which is described in regard to each of said corporations as follows, to wit:

Center Point Energy, subject to an easement over the entire area to be vacated; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 11/2/2007.

Absent - Remington.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of La Hacienda Plaza Condominium Association (#1532) to vacate that portion of the eastwest public alley right-of-way between 4th Ave and Clinton Ave S of the block bound by E Lake St and 29th St E, subject to retention of easement rights by Xcel Energy, for landscaping and an access drive to an existing loading area to the rear of La Hacienda Plaza Condominiums at 334 E Lake St, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

 $Your Committee further recommends \, passage \, of the \, accompanying \, resolution \, vacating \, said \, public \, alley \, right-of-way.$

Adopted 11/2/2007.

Absent - Remington.

Resolution 2007R-570, vacating that portion of the east-west public alley right-of-way between 4th Ave and Clinton Ave S of the block bound by E Lake St and 29th St E, was adopted 11/2/2007 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution

RESOLUTION 2007R-570 By Schiff

Vacating that portion of the east-west public alley right-of-way between 4th Avenue and Clinton Avenue South of the block bound by East Lake Street and 29th Street East (Vacation File No. 1532).

Resolved by The City Council of The City of Minneapolis:

Vacating all that part of the public alley as opened by the City, being the North 12 feet of Lot 4, Block 1, F.A. Parker's Addition to Minneapolis as recorded in Book 214 of Deeds, page 73. And; all that portion of the north-south alley as layed out in said Addition, lying between the westerly extension of the south line of the North 12 feet of Lot 4, said Block 1, and the westerly extension of the north line of Lot 4, said Addition. And; the North 16 feet Lot 9, Block 1, F.A. Parker's Addition to Minneapolis as recorded in Doc. No. 4080501; all according to the plat of record, Book 214 of Deeds (page 73), and Documents No. 4080501, on file at the Hennepin County Recorders office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed alley which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over, under and across those parts of the area of the proposed vacation wherein existing electric facilities are currently located, said easement area to be legally described as follows: That part of the east-west alley lying west of the southerly extension of a line drawn parallel with and 118 feet West of the east line of Block 1, F.A. PARKER'S ADDITION TO MINNEAPOLIS, to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 11/2/2007.

Absent - Remington.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Darrell LeBarron, on behalf of Station Nineteen Architects (BZZ-3763), to rezone the property at 2001 University Ave SE from OR2 to the C1 District to permit an expansion to an existing office building, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/2/2007.

Absent - Remington.

Ordinance 2007-Or-091 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2001 University Ave SE to the C1 District, was adopted 11/2/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-091

By Schiff
1st & 2nd Readings: 11/2/2007

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 7, 8 and 14, Block 14, REGENTS' ADDITION, according to the recorded plat thereof, described as commencing at the intersection of the northeasterly line of said Block 14 with the northeasterly line of the Southwesterly 20.0 feet of said Block 14; thence northwesterly along said northeasterly line of Southwesterly 20.0 feet a distance of 467.05 feet to the actual point of beginning; thence northeasterly deflecting to the right 90 degrees 00 minutes 00 seconds 30.39 feet; thence northeasterly and northerly along a tangential curve concave to the northwest having a radius of 261.00 feet to the northwesterly line of said Lot 14; thence southwesterly along the northwesterly lines of said Lots 14 and 8 to the northeasterly line of the Southwesterly 20.0 feet of said Block 14; thence southeasterly along said northeasterly line to the point of beginning (2001 University Avenue SE - Plate 22) to the C1 District.

Adopted 11/2/2007.

Absent - Remington.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Covenire Care, LLC (BZZ-3754) to rezone the property at 3717 23rd Ave S from R4 to the OR2 District to permit a four-story 77-unit assisted living facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/2/2007.

Absent - Remington.

Ordinance 2007-Or-092 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3717 23rd Ave S to the OR2 District, was adopted 11/2/2007 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2007-Or-092
By Schiff
1st & 2nd Readings: 11/2/2007

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 13 through 21, Block 2, Marbles Addition to Minneapolis (3717 23rd Avenue South - Plate 27) to the OR2 District.

Adopted 11/2/2007.

Absent - Remington.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2007, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/2/2007.

Absent - Remington.

Lilligren moved to adopt the draft 2008 City Council Meeting Calendar, as set forth in Petn No 272396, with formal adoption to take place at the organizational meeting of January 2, 2008. Seconded. Adopted 11/2/2007.

Absent - Remington.

Schiff moved to introduce the subject matter of an ordinance amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements, for first reading and referral to the Public Safety & Regulatory Services Committee, for a public hearing to be held November 28, 2007 (exempting certain licensed food establishments providing limited entertainment from place of entertainment licensing requirements).

Adopted by unanimous consent 11/2/2007.

Absent - Remington.

Lilligren moved to adjourn to Room 315 City Hall to consider the *Ngo v. Charles Storlie et al.* lawsuit. Seconded.

Adopted upon a voice vote 11/2/2007.

Absent - Remington.

Room 315 City Hall

Minneapolis, Minnesota

November 2, 2007 - 10:16 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Glidden, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, President Johnson.

Absent – Council Member Remington.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Ngo v. Charles Storlie et al.* lawsuit.

At 10:18 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Remington.

Present - Glidden, Benson (Out at 11:42 a.m., In at 11:45 a.m.), Goodman (Out at 11:44 a.m., In at 11:53 a.m., Out at 12:27 p.m.), Hodges (Out at 11:16 a.m., In at 11:19 a.m.), Samuels, Gordon, Hofstede (Out at 10:46 a.m., In at 10:50 a.m., Out at 11:42 a.m., In at 11:47 a.m.), Ostrow, Schiff (Out at 11:42 a.m., In at 11:46 a.m.), Lilligren (Out at 11:46 a.m., In at 11:47 a.m.), Colvin Roy, Johnson (Out at 11:48 a.m., In at 11:53 a.m.).

Absent – Remington.

Also present - Tina Smith, Mayor's Office; Sharon Lubinski, Assistant Chief of Police; Peter Ginder, Deputy City Attorney; Merry Keefe, City Clerk (Out at 10:51 a.m.); Anne Roth, City Clerk's Office.

Ginder summarized the Ngo v. Charles Storlie et al. lawsuit from 10:19 a.m. to 12:34 p.m.

At 12:36 p.m., Hodges moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Remington.

Hodges moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Remington.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Merry Keefe, City Clerk.

Unofficial Posting: 11/6/2007 Official Posting: 11/9/2007 Correction: 2/28/2008